

REMARKS

This responds to the Final Office Action dated March 7, 2012.

Claims 165, 218, 252 and 260 are amended, no claims are canceled or added; as a result, claims 165-167, 185, 218-220, 236, 252 and 256-261remain pending in this application.

Declaration

A supplemental reissue declaration is being submitted herewith.

Double Patenting Rejection

Claims 165, 218, 252 and 260 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over (a) claims 10, 38, 260 of copending Application No. 09/672523 and (b) claims 68, 87, 101, 106, and 125 of copending Application No. 09/903448. Applicant does not admit that claims are obvious in view of U.S. Patent Application No. 09/672523 and in view of U.S. Patent Application No. 09/903448. A Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b) is being submitted herewith.

The Rejection of Claims Under § 112

Claims 165-167, 185, 218-220, 236, 252 and 256-261 are rejected under 35 U.S.C. 112, second paragraph. Claims 165, 218, 252 and 260 are amended to include limitation that, as suggested in the Office Action, would cure the alleged omission of essential elements in the claims. It is respectfully requested that the rejection be withdrawn.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

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Serial Number:09/903,457

Dkt: 2050.001US6

Filing Date: July 10, 2001

Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM,
AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date September 4, 2012 By /Elena Dreszer/
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